Government of His Highness the Maharaja of Mysore

LEGISLATIVE DEPARTMENT

THE MYSORE CODE

VOLUME I

CONTAINING THE ACTS INTRODUCED INTO MYSORE BEFORE THE RENDITION AND STILL IN FORCE

WITH

A TABLE OF ACTS AND AN INDEX

THIRD EDITION

BANGALORE:
PRINTED BY THE SUPERINTENDENT AT THE GOVERNMENT PRESS
1943

PREFACE TO THE THIRD EDITION.

It is over twenty years since the Second Edition of this volume was published. Several Acts have since been either replaced or amended. The time has come, therefore, for bringing the volume up-to-date. Amendments effected to the several Acts up to the 1st of September 1943 have been incorporated. This opportunity has been taken to omit all the Acts that have been repealed and to include the Indian Penal Code and the Indian Evidence Act, as in force in Mysore.

BANGALORE,
1*st September* 1943.

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

PREFACE TO THE SECOND EDITION.

In bringing the book up-to-date the following Acts have been omitted as they are completely repealed by later Regulations as indicated in the third column of the Table of Acts contained in pages (iv) to (viii) :—

Act	XXVII	of	1860
,,	V	,,	1861
,,	III	,,	1867
,,	XXIII	,,	1870
,,	III	,,	1877
,,	XV	,,	1877
,,	XII	,,	1879

19TH FEBRUARY 1923, J. APPAJI GOWDA,

Bangalore City. *Assistant Secretary to the Government of Mysore, Legislative Dept.*

PREFACE.

This volume, which has been prepared under the orders of the Government of Mysore as the first step towards the issue of a complete Code of the laws in force in Mysore, comprises the Acts introduced during the period of the administration of the State by the British Government on behalf of His Highness the Maharaja and continued in force by the proclamation issued by His late Highness Sri Chamarajendra Wodeyar Bahadur on the 25th March 1881 on assuming charge of the Government. It does not, however, include Acts which have ceased to be in force; nor the following Acts which have been reserved for revision in the near future:—

The Indian Penal Code, Act XLV of 1860, as amended by Acts XXVII of 1870 and XIX of 1872;

The Whipping Act, VI of 1864;

The Court Fees Act, VII of 1870;

The Indian Evidence Act, I of 1872, as amended by Act, XVIII of 1872; and

The Indian Stamp Act, I of 1879.

2. A table of the Acts mentioned in Parts I, II, III and IV of the Schedule to the Instrument of Transfer is prefixed, showing as regards each Act whether it has been repealed or otherwise affected by legislation, and, if not wholly repealed, how it has been disposed of. Where an Act has been amended or partially repealed and afterwards totally repealed, the total repeal only has been entered in the list. And where an Act has been wholly repealed or spent or has expired, the entries relating to it are printed in italics.

3. In reprinting the Acts, the chronological arrangement adopted in the Schedule to the Instrument of Transfer has been followed.

Each Act is preceded by the Notification extending it to Mysore. Except in a few instances where they have become inoperative, the directions contained in such Notifications in regard to the omission or alteration of particular provisions, as well as repeals and amendments enacted by law, have been given effect to in their proper places, references thereto being given in foot notes, or, in the case of repeals or omissions of entire sections, opposite to their marginal notes.

4. The interpretation of the Acts comprised herein is subject to the directions contained in the Notifications printed below, which were issued by the Government of His Highness the Maharaja after the Rendition.

5. A short Index is appended to the volume.

K. S. CHANDRASEKHARA AIYAR, B.A., B.L.,
Assistant Secretary to the Government of Mysore,
Legislative Department.

BANGALORE,
The 9th October 1899.

"Whereas the government of the territories of Mysore "heretofore administered on our behalf by the British "Government has this day been transferred to us by "the proclamation of His Excellency the Viceroy and "Governor-General of India in Council, dated this 25th "day of March 1881, ...

"We do hereby further declare that **all laws and rules "having the force of law now in force in the said territories "shall continue to be in force in the said territories."**

—*Extract from Proclamation issued by His Highness Maharaja Sri Chamarajendra Wodeyar Bahadur.*

(Vide *para 4 of Preface.*)

NOTIFICATIONS BY THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

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(1) *Notification No.* 24, *dated the* 28*th April* 1881.

In all Notifications and Rules having the force of law in Mysore where the words "Judicial Commissioner" and "Court of the Judicial Commissioner" now occur, the words "Chief Judge" and "Chief Court" shall henceforth be read.

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(2) *Notification No.* 153, *dated the* 2*nd September* 1881.

In all Acts, Rules and Regulations now in force in Mysore, the expressions "The Government of India", "The Governor-General of India in Council" and "Local Government" shall denote "The Government of His Highness the Maharaja of Mysore."

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(3) *Notification No.* 92, *dated the* 31*st July* 1885.

His Highness the Maharaja is pleased to point out that the Rules of Interpretation laid down in Notification No. 153, dated 2nd September 1881, published at page 121 of the *Mysore Gazette* of 3rd September 1881, do not apply to those parts of the Acts of the British Legislature which apply in terms to British subjects in the dominions of Princes and States in India, in alliance with Her Majesty, and which, for the reason and to that extent, have the force of law in Mysore by virtue of the authority of the British Legislature.

2. His Highness is further pleased to direct that the above-mentioned Notification No. 153, dated 2nd September 1881, shall not apply to the General Clauses Act (I of 1868,* or to Section 230 of the Indian Penal Code as amended, by Act XIX of 1872, or to the Indian Coinage Act XXIII of 1870.)

*Since repealed by Regulation III of 1899.

Table of Acts mentioned in Parts, I, II, III and IV of the Schedule to the Instrument of Transfer.

PART I.—General Acts.

Number and year	Title or short title	Whether repealed or otherwise affected by legislation	How disposed of
1	2	3	4
[a] XIX of 1850.	Concerning the binding of Apprentices (in part.)	Repealed in part, before the extension of the Act to Mysore, by Acts XIV of 1870 and XVI of 1874.	2—10
XLV of 1860 ...	The Indian Penal Code.	Amended up-to-date	31—189
[b] X of 1865 ...	The Indian Succession Act, 1865.	Repealed in part by Acts VII of 1870 and XV of 1877; also before the extension of the present Act to Mysore, by Act XXIV of 1867. Amended by Act I of 1922 and Act XVII of 1938.	225—331
V of 1866 ...	To provide a summary procedure on Bills of Exchange, and to amend in certain respects the Commercial Law of British India.	Repealed in part by Act IX of 1872 and by Act X of 1877 as amended by Act XII of 1879, section 99.	332—333
XXI of 1866 ...	The Native Converts' Marriage Dissolution Act, 1866.	Repealed in part by Act VII of 1870; also before the extension of the Act to Mysore, by Act XVI of 1874.	334—343
XXV of 1867 ...	For the regulation of printing presses and newspapers, for the preservation of copies of books printed in British India, and for the registration of such books.	Amended by Act I of 1894, certain words in section 18 repealed by Act XI of 1933.	345—356
XXVI of 1870 ...	*The Prisons Act, 1870 (in part).*	*Repealed in part, before the extension of the Act to Mysore by Acts XII of 1873 and XVI of 1874; and amended by Act XIV of 1878. Completely repealed by Act XLI of 1943.*	357—376
I 1871 ...	The Cattle Trespass Act, 1871.	Amended by Act VIII of 1892 and Act IV of 1939.	377—389

[a] Applies only to European and Eurasian children.

[b] Does not apply to Native Christians.

Number and year	Title or short title	Whether repealed or otherwise affected by legislation	How disposed of
1	2	3	4
XXIII of 1871 ...	The Pensions Act, 1871; (in part).	.....	390—393
I of 1872 ...	The Indian Evidence Act, 1872.	Amended up-to-date	407—477
IX of 1872 ...	The Indian Contract Act, 1872.	Repealed in part by Act I of 1877. Amended by Acts VI of 1892 and IV of 1912. Chapter VII was repealed by Act V of 1932. Amended by Act VI of 1932. Some portions were repealed by Act VI of 1936.	477—544
[a] XV of 1872...	The Indian Christian Marriage Act, 1872; (in part),	Certain words in section 2 were repealed by Act III of 1900.	553—575
V of 1873 ...	The Government Savings Banks Act, 1873.	Amended by Act II of 1911 and Act I of 1930.	577—584
X of 1873 ..	The Indian Oaths Act, 1873.	Repealed in part, before the extension of the Act to Mysore, by Acts XII of 1873 and XII of 1876.	589—592
I of 1877 ...	The Specific Relief Act, 1877; (in part).	Amended by Act XVII of 1938.	593—628
I of 1878 ...	The Opium Act, 1878 (in part).	.....	629—640
I o 1873 ...	To prevent the indiscriminate destruction of wild elephants.	.....	641—642
VIII of 1878 ...	The Madras Coffee Stealing Prevention Act, 1878.	.....	643—646

[a] Applies so far as regards marriages between persons, one of whom is a Native Christian subject of Mysore, and neither of whom is a Christian British subject.